

Attorney Docket No. 034017 R 016US

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Confirmation No.: 7872

**George BERTRAM, et al.**

International Application No.: PCT/US 2005/008378 Group Art Unit: To Be Assigned

International Filing Date: March 11, 2005

Examiner: To Be Assigned

Serial No.: 10/591,769

Filed: September 1, 2006

For : HAND HELD DISPENSER

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC 371  
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/E0/US)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

A response to the Notification of Missing Requirements mailed in the above-captioned patent application on August 8, 2007 originally due by October 8, 2007, is due **(with a one-month extension of time)** on November 8, 2007. In response to the Notification of Missing Requirements, Applicants submit herewith:

- \* A copy of the Notification of Missing Requirements;
- \* Executed Declaration;
- \* Assignment Recordation Cover Sheet and Executed Assignment;
- \* Information Disclosure Statement;
- \* Preliminary Amendment;
- \* Statement Under 37 CFR 3.73(b);
- \* General Power of Attorney to Prosecute Applications Before the USPTO;
- \* Petition for One-Month Extension of Time; and
- \* Check for \$1185.00 to cover the surcharge fee (\$65), excess independent claim fee (\$420), excess claim fee (\$600), one month extension of time fee (\$60) and assignment recordation (\$40).

If any additional fees are due in connection with this filing, such as fees under 37 C.F.R. §§ 1.16 or 1.17, the Commissioner is authorized to charge the fees to SGR Deposit Account No. 02-4300. Similarly, please credit any overpayment to SGR Deposit Account No. 02-4300.

Respectfully submitted,  
SMITH, GAMBRELL & RUSSELL, LLP

By:



Dennis C. Rodgers, Reg. No. 32,936  
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Washington, D.C. 20036  
Telephone: (202) 263-4300  
Facsimile: (202) 263-4329

Date: November 7, 2007

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL for FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT \$1185.00

## Complete If Known

Application Number 10/591,769  
Filing Date September 1, 2006  
First Named Inventor George Bertram  
Examiner Name Not Yet Assigned  
Art Unit Not Yet Assigned  
Attorney Docket No. 034017 R 016US

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 02-4300 Deposit Account Name: Smith, Gambrell & Russell, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below,

☒ Charge any additional fee(s) or underpayments of fee(s) ☐ Credit any overpayments

Under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	310	155	510	255	210	105	
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

### 2. EXCESS CLAIM FEES

#### Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims 44 -20 or HP= 24 x Fee(\$)\$25 = Fee Paid (\$) 600

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims 7 - 3 or HP= 4 Fee(\$)\$105 = Fee Paid (\$) 420

HP = highest number of independent claims paid for, if greater than 3.

Small Entity	
Fee (\$)	Fee (\$)
50	25
210	105
370	185
Multiple Dependent Claims	
Fee (\$)	Fee Paid (\$)
\$370	\$0

### 3. APPLICATION SIZE FEE


If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets - 100 = Extra Sheets 0 / 50 = Number of each additional 50 or fraction thereof 0 (round up to a whole number) x Fee (\$)\$260 = Fee Paid (\$) 0

### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount) 01 FC:2617 65.00 OP  
Other (e.g., late filing surcharge): Late Filing Surcharge 02 FC:2615 600.00 OP  
Assignment Recordation Fee 03 FC:2614 420.00 OP  
One Month Extension of Time Fee \$60.00

## SUBMITTED BY

Signature  Registration No. 32,936 Telephone 202 263 4300  
Name (Print/Type) Dennis C. Rodgers Date November 7, 2007



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/591,769	Matthew Hayduk	034017R016US

INTERNATIONAL APPLICATION NO.

PCT/US05/08378

I.A. FILING DATE

03/11/2005

PRIORITY DATE

03/12/2004

441

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WASHINGTON, DC 20036

DCR

034017-016

Mag. Pats. Rep. = 10-8-07

CONFIRMATION NO. 7872

371 FORMALITIES LETTER



\*OC000000025250584\*

Date Mailed: 08/08/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/01/2006
- Copy of the International Search Report filed on 09/01/2006
- U.S. Basic National Fees filed on 09/01/2006
- Priority Documents filed on 09/01/2006
- Specification filed on 09/01/2006
- Claims filed on 09/01/2006
- Abstracts filed on 09/01/2006
- Drawings filed on 09/01/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$1355 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity, in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

RLM

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$1420** for a Small Entity:

- **\$65** Surcharge.
- Total additional claim fee(s) for this application is **\$ 1355**
  - **\$400** for 4 independent claims over 3.
  - **\$775** for 31 total claims over 20.
  - **\$180** for multiple dependent claim surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

KAREN R MCLEAN

Telephone: (703) 308-9140 EXT 214

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/591,769	PCT/US05/08378	034017R016US